

**Congress of the United States**  
**House of Representatives**

September 25, 2008

Commissioner Douglas Shulman  
Internal Revenue Service  
1111 Constitution Ave, NW  
Washington, DC 20224

Dear Commissioner Shulman,

On May 22, 2007 the Internal Revenue Service published the Treasury Regulations Section 1.401(a)-1(b) in the Federal Register which modified Section 1.401 (a)-1 of the Income Tax Regulations, which redefined the "normal retirement age" and when a participant is eligible to receive retirement pay within most public pension plans.

I have been contacted by a number of my constituents expressing their concerns with this proposed change to the normal retirement age and share their concerns that the implementation of this major change would have far reaching effects on defined benefit public pension plans across the country. This proposed regulation would prohibit most public pension plans from allowing participants to retire and collect benefits earlier than age 55, with a preferred retirement age of 62. This would affect everyone from teachers to police to city and state workers in Nevada, and could eliminate early retirement pay for government employees in less than two years. Currently, the Nevada Public Employees' Retirement System allows most participants to retire and receive benefits at any age after 30 years of service without age restriction.

It is my understanding that, following a meeting with IRS staff and the Ways and Means Committee on Friday, September 19, 2008, the IRS is going to postpone the effective date of this regulation. I am heartened that the IRS is giving this far reaching change due consideration and I look forward to working with you to expeditiously resolve the issues surrounding this rule.

Sincerely,



Jon c. Porter  
Member of Congress